

REMARKS

Status of Claims

Claim 11 has been added. Thus claims 1-8, and 10-11 are pending for examination.

Rejections Under § 103

Claims 1-8 and 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kirkevold (6,263,322).

The Examiner's rejections are respectfully traversed.

The Kirkevold patent is directed toward a product repairing method for vehicles, emphasizing the actual repair process itself and is not directly applicable to applicant's invention.

Applicant's claim 1 recites the steps in the product repairing method to be executed if the replacement part necessary for the requested repair is in stock and the steps in the product repairing method to be executed if the replacement part necessary for the requested repair is not in stock. In the latter situation, claim 1 recites "retrieving a plurality of users having previously purchased said replacement part by means of a computer storing a user data base accumulating transaction history information on members of said community of users[.]" Claim 1 further recites "selecting one of said plurality of users having previously purchased said replacement part, said selected user having quoted a price that does not exceed a ceiling quoted by said requesting user."

The latter underlined limitation is readily seen to distinguish applicant's invention from the Kirkevold teaching. According to Kirkevold, if a part is not in stock, the "Request Part Order" operation is used to order the desired part. See column 6, lines 58-61. There is NO disclosure in Kirkevold of any operation in which a vendor is selected based on a price constraint of the part being ordered.

The above discussed limitation had now been added to the sole remaining independent claim 7, so that all of applicant's independent claims contain the price ceiling limitation. This

limitation clearly permits superior price selection and is also relevant with respect to newly added claim 11 in which two replacement parts are ordered and the ceiling price information is made with respect to the sum of the two parts.

The portions of Kirkevold cited by the examiner do not remedy the defect in the "Request Part Order" as discussed above. The fact that the multiple information data bases are employed (Column 1, lines 14-21) and that these data bases may be accessed via the internet or other direct data connection (Column 4, line 56-60) does not serve as a teaching of the ceiling price limitation appearing in applicant's independent claims. In deed, it appears that Kirkevold follows a standard practice of simply ordering the needed part from a vendor without regard to price.

In view of the amendments made hereto and the comments set forth above, it is submitted that the Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103.

Conclusions:

The application is now believed to be in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By David A. Blumenthal

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

David A. Blumenthal
Attorney for Applicant
Registration No. 26,257